

IN THE UNITED STATES RECEIVING OFFICE

Applicant : Brian Smith et al.  
Serial No. : 10/573,196  
Filed : April 20, 2006  
Title : BENZAZEPINE DERIVATIVES AND METHODS OF PROPHYLAXIS OR  
TREATMENT OF 5HT2C RECEPTOR ASSOCIATED DISEASES

**MAIL STOP PCT**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

RESPONSE TO NOTIFICATION OF MISSING REQUIREMENTS

In response to the Notification of Missing Requirements mailed November 30, 2006  
(copy enclosed), Applicant as a small entity submits herewith the following:

- ☐ Payment of the basic filing fee of \$0;
- ☐ Payment of the additional/multiple dependent claims fees of \$0;
- ☒ Payment of the surcharge of \$65 for late filing of the basic filing fee and/or declaration.
- ☒ The fees in the amount of \$290 are being paid concurrently herewith on the Electronic Filing System (EFS) by way of Deposit Account authorization.
- ☐ A Verified Statement Claiming Small Entity Status;
- ☒ A Combined Declaration and Power of Attorney in compliance with 37 CFR §§1.63 and 1.497;
- ☐ A verified English translation of the application and payment of the \$0 fee required under 37 CFR §1.17(k); and
- ☒ Other: Transmittal Letter to the US DO/EO/US; Petition for Two-Month Extension of Time

It is understood that this perfects the application and no additional papers or filing fees are required. Please apply any other charges or credits to Deposit Account No. 06-1050.

Applicant : Brian Smith et al.  
Serial No. : 10/573,196  
Filed : April 20, 2006  
Page : 2 of 2

Attorney's Docket No.: 20750-047US1 / 075.US2.PCT

Respectfully submitted,

Date: \_\_\_\_\_

*March 29, 2007*

Fish & Richardson P.C.  
225 Franklin Street  
Boston, MA 02110  
Telephone: (617) 542-5070  
Facsimile: (617) 542-8906

21599335.doc



\_\_\_\_\_  
Timothy A. French  
Reg. No. 30,175

**TRANSMITTAL LETTER TO THE UNITED STATES  
DESIGNATED/ELECTED OFFICE (DO/EO/US)  
CONCERNING A SUBMISSION UNDER 35 U.S.C. 371**

ATTORNEY'S DOCKET NUMBER

20750-047US1 075.US2.PCT

U.S. APPLICATION NO. (If known, see 37 C.F.R. 1.5)  
10/573,196

INTERNATIONAL APPLICATION NO.  
PCT/US2004/034914

INTERNATIONAL FILING DATE  
October 21, 2004

PRIORITY DATE CLAIMED  
October 22, 2003

TITLE OF INVENTION

BENZAEPINE DERIVATIVES AND METHODS OF PROPHYLAXIS OR TREATMENT OF 5HT<sub>2C</sub> RECEPTOR ASSOCIATED DISEASES

APPLICANT(S) FOR DO/EO/US

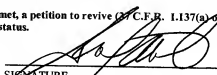
Brian M. Smith, Jeffrey A. Schultz, Charles A. Gilson, III and Scott A. Estrada

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1. ☐ This is a **FIRST** submission of items concerning a submission under 35 U.S.C. 371.
2. ☒ This is a **SECOND** or **SUBSEQUENT** submission of items concerning a submission under 35 U.S.C. 371.
3. ☐ This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (21) indicated below.
4. ☐ The US has been elected (Article 31).
5. ☐ A copy of the International Application as filed (35 U.S.C. 371(c)(2))
  - a. ☐ is attached hereto (required only if not communicated by the International Bureau).
  - b. ☐ has been communicated by the International Bureau.
  - c. ☐ is not required, as the application was filed in the United States Receiving Office (RO/US).
6. ☐ An English language translation of the International Application as filed (35 U.S.C. 371(c)(2)).
  - a. ☐ is attached hereto.
  - b. ☐ has been previously submitted under 35 U.S.C. 154(d)(4).
7. ☐ Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3))
  - a. ☐ are attached hereto (required only if not communicated by the International Bureau).
  - b. ☐ have been communicated by the International Bureau.
  - c. ☐ have not been made; however, the time limit for making such amendments has NOT expired.
  - d. ☐ have not been made and will not be made.
8. ☐ An English language translation of amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).
9. ☒ An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)).
10. ☐ An English language translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).

**Items 11 to 20 below concern document(s) or information included:**

11. ☐ An Information Disclosure Statement under 37 C.F.R. 1.97 and 1.98.
12. ☐ An assignment document for recording. A separate cover sheet in compliance with 37 C.F.R. 3.28 and 3.31 is included.
13. ☐ A preliminary amendment.
14. ☐ An Application Data Sheet under 37 C.F.R. 1.76.
15. ☐ A substitute specification.
16. ☐ A power of attorney and/or change of address letter.
17. ☐ A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 37 C.F.R. 1.821 - 1.825.
18. ☐ A second copy of the published international application under 35 U.S.C. 154(d)(4).
19. ☐ A second copy of the English language translation of the international application under 35 U.S.C. 154(d)(4).
20. ☒ Other items or information:  
Response to Notification of Missing Requirements  
Petition for Two-Month Extension of Time (\$225.00)

U.S. APPLICATION NO. (if known, see 37 C.F.R. 1.510/573.196)		INTERNATIONAL APPLICATION NO. PCT/US2004/034914		ATTORNEY'S DOCKET NUMBER 20750-047US1 075.US2.PCT	
The following fees have been submitted				<b>CALCULATIONS PTO USE ONLY</b>	
21. <input type="checkbox"/>	Basic national fee (37 CFR 1.492(a)).....	\$300			
22. <input type="checkbox"/>	Examination fee (37 CFR 1.492(c)) If the written opinion prepared by ISA/US or the international preliminary examination report prepared by IPEA/US indicates all claims satisfy provisions of PCT Article 33(1)-(4).....	\$0			
	All other situations.....	\$200			
23. <input type="checkbox"/>	Search fee If the written opinion of the ISA/US or the international preliminary examination report prepared by IPEA/US indicates all claims satisfy provisions of PCT Article 33(1)-(4).....	\$0			
	Search fee (37 CFR 1.445(a)(2)) has been paid on the international application to the USPTO as an International Searching Authority.....	\$100			
	International Search Report prepared by an ISA other than the US and provided to the Office or previously communicated to the US by the IB.....	\$400			
	All other situations.....	\$500			
<b>Total of 21, 22 and 23 =</b>					
<input type="checkbox"/> Additional fee for specification and drawings filed in paper over 100 sheets (excluding sequence listing or computer program listing filed in an electronic medium). The fee is \$250 for each additional 50 sheets of paper or fraction thereof.					
Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof (round up to a whole number)	RATE		
-100 =	/50 =		X \$250		
Surcharge of \$130 for furnishing the oath or declaration later than 30 months from the earliest claimed priority date (37 C.F.R. 1.492(h)).					
				\$130.00	
CLAIMS		NUMBER FILED	NUMBER EXTRA	RATE	
Total Claims		- 20 =		x \$50	\$0.00
Independent Claims		- 3 =		x \$200	\$0.00
MULTIPLE DEPENDENT CLAIM(S) (if applicable)				+ \$360	\$0.00
<b>TOTAL OF ABOVE CALCULATIONS =</b>				\$130.00	
<input checked="" type="checkbox"/> Applicant claims small entity status. See 37 C.F.R. 1.27. Fees above are reduced by 1/2.					
<b>SUBTOTAL =</b>				\$65.00	
Processing fee of \$130 for furnishing the English Translation later than 30 months from the earliest claimed priority date (37 C.F.R. 1.492(i))				+	
				\$0.00	
<b>TOTAL NATIONAL FEE =</b>				\$65.00	
Fee for recording the enclosed assignment (37 C.F.R. 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 C.F.R. 3.28, 3.31). \$40.00 per property				+	
				\$0.00	
<b>TOTAL FEES ENCLOSED =</b>				\$290.00	
				Amount to be refunded:	\$0.00
				Amount to be charged:	\$29.00
<p>a. <input type="checkbox"/> A check in the amount of \$0.00 to cover the above fees is enclosed.</p> <p>b. <input checked="" type="checkbox"/> Please charge my Deposit Account No. 06-1050 in the amount of \$290.00 to cover the above fees. A duplicate copy of this sheet is enclosed.</p> <p>c. <input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 06-1050. A duplicate copy of this sheet is enclosed.</p> <p>d. <input type="checkbox"/> Fees are to be charged to a credit card. <b>WARNING:</b> Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.</p>					
<p><b>NOTE:</b> Where an appropriate time limit under 37 C.F.R. 1.495 has not been met, a petition to revive (37 C.F.R. 1.137(a)-(b)) must be filed and granted to restore the International Application to pending status.</p> <p>SEND ALL CORRESPONDENCE TO:</p>					
PTO Customer No: 26204		<p>SIGNATURE </p> <p>Timothy A. French</p>			
		NAME			
		30,175			
		REGISTRATION NUMBER			



## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

U.S. APPLICATION NUMBER NO. 10/573,196	FIRST NAMED APPLICANT Brian Smith	ATTY. DOCKET NO. 75.US2.PCT
INTERNATIONAL APPLICATION NO. PCT/US04/34914		
LA. FILING DATE 10/21/2004	PRIORITY DATE 10/22/2003	

27737  
ARENA PHARMACEUTICALS, INC.  
6166 NANCY RIDGE DRIVE  
SAN DIEGO, CA 92121

CONFIRMATION NO. 2276

371 FORMALITIES LETTER



\*OC000000021420525\*

Date Mailed: 11/30/2006

### NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Indication of Small Entity Status
- Copy of the International Application filed on 04/20/2006
- Copy of the International Search Report filed on 04/20/2006
- Preliminary Amendments filed on 04/20/2006
- Oath or Declaration filed on 04/20/2006
- Request for Immediate Examination filed on 04/20/2006
- U.S. Basic National Fees filed on 04/20/2006
- Priority Documents filed on 04/20/2006
- Power of Attorney filed on 04/20/2006
- Specification filed on 04/20/2006
- Claims filed on 04/20/2006
- Abstracts filed on 04/20/2006

Received

Arena IP Dept.

Mail Log:

DEC - 5 2006

Due Date:

Final Date:

Docketed By:

The applicant needs to satisfy supplemental fees problems indicated below.

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the Inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date. The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) in that it:
  - is not executed in accordance with either 37 CFR 1.66 or 37 CFR 1.68.
- To avoid abandonment, a surcharge (for late submission of filing fee, search fee, examination fee or oath or declaration) as set forth in 37 CFR 1.492(h) of \$65 for a small entity in compliance with 37 CFR 1.27,

must be submitted with the missing items identified in this letter.

#### SUMMARY OF FEES DUE:

Total additional fees required for this application is \$65 for a Small Entity:

- **\$65 Surcharge.**
- This application does not contain, as a separate part of the disclosure on paper copy, a "Sequence Listing" as required by 37 CFR 1.821(c) Applicant must provide an initial paper or compact disc copy of the "Sequence Listing", **as well as an amendment specifically directing its entry into the application** and a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000).
- A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 CFR 1.821(e). If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000). Applicant must provide an initial computer readable form (CRF) copy of the "Sequence Listing" and a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If applicant desires the sequence listing in the instant application to be identical with that of another application on file in the U.S. Patent and Trademark Office, such request in accordance with 37 CFR 1.821(e) may be submitted in lieu of a new CRF.

Applicant is cautioned that correction of the above items may cause the specification and drawings page count to exceed 100 pages. If the specification and drawings exceed 100 pages, applicant will need to submit the required application size fee.

**For questions regarding compliance to 37 CFR 1.821-1.825 requirements, please contact:**

- **For Rules Interpretation, call (571) 272-0951**
- **For Patentin Software Program Help, call Patent EBC at 1-866-217-9197 or directly at 703-305-3028 / 703-308-6845 between the hours of 6 a.m. and 12 midnight, Monday through Friday, EST.**
- **Send e-mail correspondence for Patentin Software Program Help @ [ebc@uspto.gov](mailto:ebc@uspto.gov)**

**ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.**

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

Registered users of EFS-Web may alternatively submit their reply to this notice via EFS-Web.  
<https://spatent.uspto.gov/authenticate/AuthenticateUserLocalEPF.html>

For more information about EFS-Web please call the USPTO Electronic Business Center at 1-866-217-9197 or visit our website at <http://www.uspto.gov/ebc>.

**If you are not using EFS-Web to submit your reply, you must include a copy of this notice.**

BARBARA A CAMPBELL

Telephone: (703) 308-9140 EXT 217

## PART 1 - ATTORNEY/APPLICANT COPY

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/573,196	PCT/US04/34914	75.US2.PCT

FORM PCT/DO/EO/905 (371 Formalities Notice)